

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-3, 5-6, 16, and 20 are currently being amended. This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-7, 9, 10, 16, and 20 were again rejected under 35 U.S.C. § 102(b) as being anticipated by Okada (JP 2000-063104). In the Response to Arguments on page 3 of the Office Action, the Examiner stated that:

Applicant asserts that claim 1 is patentably distinguishable from Okada because in the reference, the gas supplied during startup is merely a high temperature gas not containing the claimed fuel component for the reforming reaction. While this assertion may have merit, it is the Examiner's position that this limitation is directed to the method of operating the claimed apparatus and does not structurally limit the apparatus.

In accordance with the Examiner's statement, claim 1 has been amended to be a method claim. Accordingly, the recitation "supplying the high temperature gas containing the fuel component for the reforming reaction to the reformer when the system starts up" as recited in amended claim 1 must be given patentable weight. Further, as explained in the remarks of the Amendment filed on May 2, 2005, this recitation is not disclosed or suggested by Okada. Accordingly, claim 1 is patentably distinguishable from Okada.

Claims 2-7, 9, 10, 16, and 20 are also patentably distinguishable from Okada by virtue of their dependence from claim 1, as well as their additional recitations.

Applicant submits that entry of this amendment is proper because the amendment should not require further search and/or consideration by the Examiner as the Examiner has already considered the arguments distinguishing the claimed invention from Okada, the cited prior art. Accordingly, Applicant submits that entry of this Amendment is proper and believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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